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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-sixth session
6-24 March 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Estonia

1. The Committee considered the initial, second, third, and fourth periodic reports of Estonia, submitted in one document (CERD/C/329/Add.2), at its 1387th and 1388th meetings (CERD/C/SR.1387 and 1388), held on 15 and 17 March 2000. At its 1398th meeting, held on 24 March 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report submitted by the State party, drafted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation. The initiation of a frank and constructive dialogue with the State party is equally welcomed.

3. The Committee was encouraged by the attendance of a high-ranking delegation and expresses its appreciation for the candid and constructive response of its members to the questions asked and comments made by the members of the Committee.

B. Factors and difficulties impeding implementation of the Convention

4. Having regained independence in 1991, the State party has begun the process of legislative reform and efforts in the social, economic and cultural field in the midst of economic and political transition. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups.

C. Positive aspects

5. The Committee notes with satisfaction that, notwithstanding the difficulties in this period of transition, the State party has made important progress in the area of legislative reform. It notes that among the first priorities established by Estonia was the ratification of international and regional human rights instruments. It welcomes the information provided by the State party that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and other international treaties, have primacy over domestic legislation and may be directly invoked in the courts.

6. The Committee notes with satisfaction the initiative taken by the State party to encourage integration of members of different nationalities residing on its territory, such as the draft State programme "Integration in Estonian Society 2000-2007" recently submitted to the Parliament for consideration.

7. The Committee welcomes the fact that the right to vote in local elections has been granted to all permanent residents, regardless of their nationality.

8. The Committee notes positively the existence of considerable number of organizations promoting minority cultures, as well as of a developed Russian-speaking media network.

C. Concerns and recommendations

9. The Committee is concerned that the definition of national minorities contained in the 1993 National Minorities Cultural Autonomy Act only applies to Estonian citizens. In the light of the significant number of non-nationals and stateless persons residing on the territory of the State party, it believes that such a restrictive and narrow definition may limit the scope of the State Programme on Integration.

10. With regard to stateless persons and their children, who are automatically born stateless, the Committee wishes to have more detailed information on this specific issue and particularly on the number of stateless persons who have been naturalized.

11. The Committee expresses particular concern that the provisions for restricted immigration quotas established by the 1993 Aliens Act apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland. It is recommended that the quota system be applied without discrimination based on race or ethnic or national origin.

12. Information that the State party intends to reduce the provision of instruction in minority languages in the near future, including in areas where the Russian-speaking population is in the majority, is noted with concern. The Committee urges the State party to maintain the possibility for the various ethnic groups of receiving instruction in their languages or to study those languages at different educational levels without prejudice to the learning of the official language, as well as of using their mother tongue in private and in public.

13. Moreover, the Committee would like to receive detailed information in the State party's next report on the enjoyment of the Russian-speaking population of the rights listed in article 5 (d) and (e) of the Convention, in particular, possibilities for naturalization and for access to secondary education, employment, medical care and housing

14. The State party is invited to provide further information in its next report on the following issues: (a) the work of the Legal Chancellor in ensuring respect of the Convention; (b) the existence of and measures to combat organizations of a racist character; (c) the effective penalties imposed in the case of conviction for acts of racism or racial discrimination; (d) Estonian birth rate trends, including separate data on the majority population and on ethnic minorities.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

16. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

17. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's observations on them be similarly publicized.

18. The Committee recommends that the State party's next periodic report, due on 19 November 2000, be a comprehensive report and that it address the points raised in the present observations.